



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,829	09/24/2003	Mark A. Stansbury	NSAC-2	5707
52450	7590	07/12/2006	EXAMINER	
KRIEG DEVAULT LLP ONE INDIANA SQUARE SUITE 2800 INDIANAPOLIS, IN 46204-2079			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/669,829	STANSBURY, MARK A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anita M. King	3632	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5-12,15,17-22,26-31,34,35 and 40-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,5-12,15,17-22,26-31,34,35 and 46-53 is/are allowed.
- 6) ☒ Claim(s) 40,43 and 45 is/are rejected.
- 7) ☒ Claim(s) 41,42 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

This is a non-final office action for application number 10/669,829, Furnace Mount and Method of Installation, filed on September 24, 2003. This application is a continuation of application 09/941,524 filed August 29, 2001, now abandoned.

***Response to Appeal Brief***

The prosecution of this application as been reopened in view of newly discovered reference to Born, thus, finality is hereby withdrawn and a rejection regarding the reference follows.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 40 and 45 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 3,326,508 to Born. Born discloses a mount (Fig. 6) capable of supporting a furnace above the floor, the mount comprising: an integrally formed rigid main body member (51) having a first surface adapted to engage the floor and a second surface spaced from the first surface; an adherent component connected to the main body member and located proximate the second surface, the adherent component including an adhesive surface (51A) adapted to engage and couple the main body member to the furnace; and wherein the main

Art Unit: 3632

body is free of engagement with any mechanical fasteners. Note, the limitation of the mount being molded is not afford any patentable weight because this limitation is drawn to a method of making/producing the mount and the claims are directed to a structural claim and a not a method claim. The patentability of a product does not depend on its method of production.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Born. Born discloses the claimed invention except for the limitation of the mount being a polymeric material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the wooden mount in Born to have been constructed of a polymeric material for the purpose of providing an alternative, mechanically equivalent material for the mount and since such a modification would not have produced any unexpected results.

### ***Allowable Subject Matter***

Claims 1, 5-12, 15, 17-22, 26-31, 34, 35, and 46-53 are allowed.

Claims 41, 42, and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the primary reasons for the indication of allowable subject matter in the above mentioned claims are the limitations of a mount for supporting a furnace above the floor, the mount having an integrally formed main body member including a pair of integrally formed upstanding wall members defining a locator portion to abut an outer surface of the furnace and position the furnace relative to the member, and an adherent component connected with the main body member and located proximate the second surface, the adherent component including an adhesive, included in independent claim 1 and in combination with the other elements recited in the claim; a mount for supporting a furnace above the floor, the mount having a substantially rigid main body member, a vibration dampening component positioned on and connected with the second surface of the member with the furnace, and wherein the main body member has a locating portion extending from the second surface to abut on outer surface of the furnace and position and the second surface relative to the furnace, the locating portion includes two upstanding members that are oriented perpendicular to one another, essentially included in independent claims 15 and 46 and in combination with the other elements recited in the claims respectively; and a combination comprising a furnace having outer walls that define four corners, a plurality of furnace mounts, each located at and abutting the outer walls defining each of the corners, the mounts including a substantially rigid main body member, a vibration dampening component positioned on and connected with the second surface of the member and having an outer adhesive surface, and wherein the main body member has integrally formed locating portion

Art Unit: 3632

extending from the second surface, essentially included in independent claims 21 and 51 and in combination with the other elements recited in the claims respectively. These combinations are not found in the prior art of record.

### ***Response to Arguments***

Applicant's arguments, see appeal brief, filed May 3, 2006, with respect to the double patenting rejection as well as the 35 U.S.C. 103(a) rejections in view of Benton, Brabson, Rozek, and Noguchi references have been fully considered and are persuasive. The rejections of claims 1, 5-12, 15, 17-22, 26-31, 34, 35, 41, 42, 44, and 46-53 have been withdrawn.

Applicant's arguments, see appeal brief, filed May 3, 2006, with respect to the rejection(s) of claim(s) 40, 43, and 45 under double patenting and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Born.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Anita M. King  
Primary Examiner  
Art Unit 3632

July 6, 2006